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U.S. DISTRICT COURT E.D.N.Y.

★ OCT 17 2019 ★

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

MATKAL LLC (d/b/a BLUE POINT
SOLUTIONS, LLC,

Plaintiffs,

v.

VG RUSH CORP.,

Defendant.

C.A. No. 2:18-cv-02833-SJF-AKT

ASSENTED TO MOTION TO DISMISS, WITH PREJUDICE

Pursuant to FRCP 41(a)(2), the plaintiff, Matkal LLC ("Matkal"), requests that the Court dismiss its claims against the defendant VG Rush Corp. ("VG Rush") with prejudice and with statutory costs. VG Rush assents to this motion and will submit for review by Matkal its proposed bill of costs. Matkal and VG Rush anticipate being able to agree on the amount to be awarded as costs. However, as the bill of costs has not yet been submitted, Matkal (again with VG Rush's assent) reserves its right to raise any appropriate objection to the bill of costs. The bill of costs, whether agreed between Matkal and VG Rush or not, will be submitted to the Court by October 25, 2019, which is VG Rush's deadline to respond to this motion. *See* Dkt. Nos. 60-61.

Dated: October 11, 2019

The Clerk of the Court shall
close this case.
So Ordered. *[Signature]*

10/17/19

s/ Sandra J. Feuerstein

U.S.D.J.

Respectfully submitted,

/s/ Dustin F. Hecker
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CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2019, I caused the foregoing document to be sent to counsel of record who have filed electronically through the Court's ECF system.

/s/ Dustin F. Hecker
Dustin F. Hecker